

Application No.: 09/928,571

2

Docket No.: 458172000500

REMARKS***Substance of the Interview***

On July 11, 2003 Tom Wheelock and Anthony J. Green had a telephonic interview. During that interview claims 15 and 16 were discussed. Agreement regarding those claims was reached. Specifically, it was agreed that claims 15 and 16, which were inadvertently left off the listing of claims in the Office Action Summary, and not discussed in the Office Action, were to be included in any rejection that included claim 14.

Double Patenting

Claims 1-16 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-238 of copending application No. 09/928,883. Submitted herewith is a terminal disclaimer, thereby overcoming this rejection.

pa-840510

Application No.: 09/928,571

3

Docket No.: 458172000500

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 458172000500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 3, 2004

Respectfully submitted,

By 

Mika Mayer

Registration No. 47,777

MORRISON & FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304

(650) 813-4298

pa-840510